

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HAROLD H. HAWKS,
Petitioner,

No. C 04-01822 JSW

v.

**ORDER DIRECTING PARTIES
TO SUPPLEMENT RECORD**

JAMES HAMLET, et al.
Respondent.

On May 7, 2004, Petitioner filed a petition for writ of habeas corpus challenging Respondents' decision to deny him parole. Petitioner has submitted, as an exhibit in the record, the California Supreme Court's summary denial of his petition for a writ of habeas corpus. (Appendix A, Ex. M.)


In their answer, Respondents correctly note that on federal habeas review, the court may look to the last reasoned decision of a state court as the basis for the state court's judgment. Here, the California Supreme Court denied Petitioner's state petition for writ of habeas corpus without comment. (*Id.*) There is, however, no other state court opinion in the record.

Accordingly, the parties are HEREBY ORDERED to submit a joint statement to the Court setting forth whether there exists a reasoned decision by the state courts as to Petitioner's state habeas proceedings with respect to the September 27, 2002 suitability hearing and to attach the "last reasoned decision," if such a decision exists, to the joint statement.

1 The parties SHALL submit this joint statement by December 14, 2005. If the Court
2 receives no joint statement by that date, it shall presume that no reasoned decision exists and
3 will evaluate Petitioner's claims accordingly.

4 **IT IS SO ORDERED.**

5
6 Dated: December 8, 2005



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

United States District Court

For the Northern District of California